



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 6, 1997

Douglas A. Beran, Ph.D.
Executive Director
State Board of Dental Examiners
333 Guadalupe, Tower 3, Suite 800
Austin, Texas 78701-3942

OR97-0277

Dear Dr. Beran:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 103621.

The State Board of Dental Examiners (the "board") received an open records request for "the names and addresses of each person or dentist filing a complaint or grievance against [a named dentist] during the past four (4) years." You state that the name of one individual responsive to the request is contained in a public document and that that individual's name has been released to the requestor. You contend, however, that all remaining responsive information is made confidential by article 4550, V.T.C.S., and thus must be withheld from the public pursuant to section 552.101 of the Government Code.¹

Some of the information sought by the requestor is contained in the actual complaints filed with the board. Section 2 of article 4550 provides:

All of the records and files of the Texas State Board of Dental Examiners shall be public records and open to inspection at reasonable times, *except the investigation files and records which shall be confidential and shall be divulged only to persons so investigated upon completion of said investigation.* [Emphasis added.]

The complaints containing the information sought by the requestor are a part of the board's investigative files. The requestor is not the subject of any of the investigations. Therefore,

¹Section 552.101 of the Government Code protects "information considered to be confidential by law, either constitutional, statutory, or by judicial decision."

the board must withhold the requested information contained in the complaints pursuant to section 552.101 of the Government Code. See Open Records Letter No. 92-597 (1992).

You also explain that other information responsive to the request is contained in a database that the board keeps for internal use as a method of tracking the progress of complaints filed with the board. You inquire whether the requested information contained in the database is also excepted from disclosure under article 4550, V.T.C.S. After reviewing the information at issue, it is apparent to this office that, although the information contained in the database is not physically contained within an investigation file, this information must nevertheless be considered an "investigation . . . record" of the board made confidential by section 2 of article 4550. We therefore conclude that the board must not release to the requestor any information from the database printouts you have submitted to this office.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Don Ballard
Assistant Attorney General
Open Records Division

JDB/RWP/ch

Ref.: ID# 103621

Enclosures: Submitted documents

cc: Mr. Howard R. King
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Houston, Texas 77010
(w/o enclosures)